

Message

From: Garrison, Scott [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=F3BA15187A464688A839A843B7B59CA0-SGARRISO]
Sent: 5/21/2019 12:52:03 PM
To: Knorr, Michele [Knorr.Michele@epa.gov]
Subject: FW: Printing bulletins mandatory?

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Last week's mystery revealed...

Scott Garrison
Pesticides and Toxic Substances Law Office (2333A)
Office of General Counsel
U.S. Environmental Protection Agency
202-564-4047
garrison.scott@epa.gov

From: Corbin, Mark
Sent: Monday, May 20, 2019 10:26 AM
To: Dyner, Mark <dyner.mark@epa.gov>; Anderson, Brian <Anderson.Brian@epa.gov>
Cc: Kyle, Lee <Kyle.Lee@epa.gov>; Garrison, Scott <Garrison.Scott@epa.gov>; Kyle, Lee <Kyle.Lee@epa.gov>
Subject: RE: Printing bulletins mandatory?

Thanks the edits look good and I will clean that paragraph up and send it back to FEAD to share with the SFIREG group working the dicamba and BLT issue.

As to the last point I will follow up with Brian next week (he's in training this week) on the enforcement question and whether the BLT language needs updating. I've also added Lee to this since EISB manages BLT and would need to be engaged on any changes to BLT language.

mark

From: Dyner, Mark
Sent: Monday, May 20, 2019 8:52 AM
To: Corbin, Mark <Corbin.Mark@epa.gov>; Anderson, Brian <Anderson.Brian@epa.gov>
Cc: Kyle, Lee <Kyle.Lee@epa.gov>; Garrison, Scott <Garrison.Scott@epa.gov>
Subject: RE: Printing bulletins mandatory?

Mark

I appreciate you taking a crack at this, Attorney Client / Ex. 5

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Attorney Client / Ex. 5

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As to the enforcement question,

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Attorney Client / Ex. 5

Attorney Client / Ex. 5

Mark

Mark Dyner
Office of General Counsel
(202) 564-1754

From: Corbin, Mark
Sent: Friday, May 17, 2019 12:36 PM
To: Dyner, Mark <dyner.mark@epa.gov>; Anderson, Brian <Anderson.Brian@epa.gov>
Cc: Kyle, Lee <Kyle.Lee@epa.gov>; Garrison, Scott <Garrison.Scott@epa.gov>
Subject: RE: Printing bulletins mandatory?

Mark, looks like you may be out of the office today so maybe we can catch up on this next week.

I was hoping I could circle back with you on the issue of BLT and the printing of the bulletin when a grower visits the site. There still seems to be some confusion among the states about the requirement and enforcement.

I've taken your sentence from the April 10th email and tried to weave it into an update to their summary. See what you think

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Here is how SFIREG has summarized the conversation we had with them regarding the printing of Bulletins by growers. I don't believe I said this quite as strongly as they have it written. I am wondering if i

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? I think

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1. Request for a Written Reference: Requirement for Copy of Bulletin - Mark Corbin stated that OGC made the determination that the applicator must maintain a copy of the bulletin. There was some discussion, specifically, how this differs from other references on the dicamba labels to registrant websites for example, tank mixes and nozzles. SFIREG is requesting some type of written clarification or reference for enforcement purposes.

Here are the instructions on BLT (I sent these before but want to keep reminding them about this)

Protecting Endangered Species

Directions:: This search tool provides Pesticide Use Limitation Areas (PULAs) for pesticide active ingredients and products with active Bulletins. To access Endangered Species Protection Bulletins from this search tool:

1. Zoom to your intended pesticide application area:
 - a. Manually zoom to a location by dragging the map to your location and using the "+" and "-" buttons to zoom in and out, or
 - b. Enter your intended pesticide application area into the Location Search Tool to automatically zoom to that location.
2. Select your Application Month.
3. Optional: Refine your search by entering a specific active ingredient or product and click the "Search" button. (Default is all active ingredients and products).
4. Click on the PULA within your intended pesticide application area to activate the Results Tab with the associated limitations and print your Bulletin. If no PULA is present, click the "Search" button to activate the "No Limitations" dialog box and print your Bulletin.
5. To complete an additional search, use the "Clear All" button to clear your current results.

From: Dyner, Mark

Sent: Wednesday, April 10, 2019 12:52 PM

To: Lennartz, Steven <Lennartz.Steven@epa.gov>; Anderson, Brian <Anderson.Brian@epa.gov>

Cc: Kyle, Lee <Kyle.Lee@epa.gov>; Corbin, Mark <Corbin.Mark@epa.gov>

Subject: RE: Printing bulletins mandatory?

If you want:

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Mark Dyner

Office of General Counsel

(202) 564-1754

From: Lennartz, Steven

Sent: Wednesday, April 10, 2019 10:16 AM

To: Anderson, Brian <Anderson.Brian@epa.gov>; Dyner, Mark <dyner.mark@epa.gov>

Cc: Kyle, Lee <Kyle.Lee@epa.gov>; Corbin, Mark <Corbin.Mark@epa.gov>

Subject: RE: Printing bulletins mandatory?

The follow-up will Attorney Client / Ex. 5

From: Anderson, Brian

Sent: Wednesday, April 10, 2019 10:13 AM

To: Dyner, Mark <dyner.mark@epa.gov>

Cc: Lennartz, Steven <Lennartz.Steven@epa.gov>; Kyle, Lee <Kyle.Lee@epa.gov>; Corbin, Mark <Corbin.Mark@epa.gov>

Subject: RE: Printing bulletins mandatory?

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Thanks again Mark!

Brian

From: Dyner, Mark

Sent: Wednesday, April 10, 2019 9:38 AM

To: Anderson, Brian <Anderson.Brian@epa.gov>

Cc: Lennartz, Steven <Lennartz.Steven@epa.gov>; Kyle, Lee <Kyle.Lee@epa.gov>; Corbin, Mark <Corbin.Mark@epa.gov>

Subject: RE: Printing bulletins mandatory?

I think Attorney Client / Ex. 5

Attorney Client / Ex. 5

Mark Dyner
Office of General Counsel
(202) 564-1754

From: Anderson, Brian

Sent: Wednesday, April 10, 2019 8:33 AM

To: Dyner, Mark <dyner.mark@epa.gov>

Cc: Lennartz, Steven <Lennartz.Steven@epa.gov>; Kyle, Lee <Kyle.Lee@epa.gov>; Corbin, Mark <Corbin.Mark@epa.gov>

Subject: RE: Printing bulletins mandatory?

The best way might be to see it: <https://www.epa.gov/endangered-species/bulletins-live-two-view-bulletins>

The language is in the blue box on the right when you click on the link

Brian

From: Dyner, Mark
Sent: Wednesday, April 10, 2019 8:26 AM
To: Anderson, Brian <Anderson.Brian@epa.gov>
Cc: Lennartz, Steven <Lennartz.Steven@epa.gov>; Kyle, Lee <Kyle.Lee@epa.gov>; Corbin, Mark <Corbin.Mark@epa.gov>
Subject: RE: Printing bulletins mandatory?

Can you send me a longer version of the instructions so I can view them in context? Also, I think **Attorney Client / Ex. 5**

Attorney Client / Ex. 5

Mark Dyner
Office of General Counsel
(202) 564-1754

From: Anderson, Brian
Sent: Wednesday, April 10, 2019 8:18 AM
To: Dyner, Mark <dyner.mark@epa.gov>
Cc: Lennartz, Steven <Lennartz.Steven@epa.gov>; Kyle, Lee <Kyle.Lee@epa.gov>; Corbin, Mark <Corbin.Mark@epa.gov>
Subject: Printing bulletins mandatory?

Hi Mark,

We keep getting questions regarding whether or not printing bulletins is mandatory.

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Thanks

Brian

From: Lennartz, Steven
Sent: Tuesday, April 09, 2019 10:44 AM
To: Anderson, Brian <Anderson.Brian@epa.gov>; Corbin, Mark <Corbin.Mark@epa.gov>; Kyle, Lee <Kyle.Lee@epa.gov>
Subject: RE: Evaluating compliance with dicamba ESA requirements

This will come up for tomorrow's webinar. Where did we land on requiring applicators to save their Bulletin? Is this an OGC call? It is very easy to change the directions on the website.

-Steve

From: Galloway, Carol
Sent: Tuesday, April 09, 2019 10:41 AM
To: Ambrosino, Helene <Ambrosino.Helene@epa.gov>; Teter, Royan <Teter.Royan@epa.gov>; Cobb, Christina <cobb.christina@epa.gov>; Dyer, Brian <Dyer.Brian@epa.gov>; Kyle, Lee <Kyle.Lee@epa.gov>; Corbin, Mark <Corbin.Mark@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Chiu,

Enid <Chiu.Enid@epa.gov>; O'Neill, Sandra <O'Neill.Sandra@epa.gov>

Cc: Anderson, Brian <Anderson.Brian@epa.gov>; Lennartz, Steven <Lennartz.Steven@epa.gov>

Subject: RE: Evaluating compliance with dicamba ESA requirements

Following up on the discussion we had last week, there seems to be one loose end. We saw that the Bulletins Live! website directions include a directive to print out the information, however there are no instructions about retaining the print out for a period of time.

To enhance the ability of inspectors to determine compliance, we should add to the directions on the Bulletins Live! website, the requirement to retain the record for a specific period of time. So, two questions for the group:

1. Can we require applicators to retain the printed information? How long should we require applicators to keep these records?
2. How difficult is it to change the directions on Bulletins Live!? If the decision is made to make this change, when could/should this change happen given we are in the middle of the growing season?

Please reply to all, and we can see if another meeting would be helpful, or if an email exchange will do it.

Thanks for your time and attention to clarifying this issue.

Carol Galloway

913-551-5092

Pesticides, Waste and Toxics Branch

Office of Compliance

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